

PROOF

STATE OF IOWA

Senate Journal

MONDAY, MAY 2, 2011

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JOURNAL OF THE SENATE

ONE HUNDRED THIRTEENTH CALENDAR DAY
SIXTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, May 2, 2011

The Senate met in regular session at 1:10 p.m., President Kibbie presiding.

Prayer was offered by the Honorable John Kibbie, member of the Senate from Palo Alto County, Emmetsburg, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Natasha Dutta.

The Journal of Thursday, April 28, 2011, was approved.

The Senate stood at ease at 1:47 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:25 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Behn, until he arrives, on request of Senator Zaun.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration [Senate File 531](#).

Senate File 531

On motion of Senator Hogg, **Senate File 531**, a bill for an act relating to renewable fuels, including by providing for tax credits and refunds, and including effective date and applicability provisions, was taken up for consideration.

Senator Hogg offered amendment **S-3303**, filed by him from the floor to pages 2–6, 9, 12, 15–17, and 19, and amending the title page of the bill, and moved its adoption.

Amendment **S-3303** was adopted by a voice vote.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (**S.F. 531**), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Houser	Seng
Bertrand	Ernst	Jochum	Seymour
Black	Feenstra	Johnson	Smith
Boettger	Fraise	Kapucian	Sodders
Bolkcom	Greiner	Kettering	Sorenson
Bowman	Gronstal	Kibbie	Ward
Courtney	Hahn	McCoy	Whitver
Dandekar	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirnbach	Zaun

Nays, 1:

Chelgren

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate File 531** be **immediately messaged** to the House.

The Senate stood at ease at 4:33 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:13 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration **House File 648**.

House File 648

On motion of Senator McCoy, **House File 648**, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McCoy offered amendment **S-3289**, filed by the committee on Appropriations on April 25, 2011, striking and replacing everything after the enacting clause of the bill.

Senator McCoy offered amendment **S-3301**, filed by him from the floor to pages 1-3, 5, 7, 10, 11, and 18, and amending the title provisions of amendment **S-3289**, and moved its adoption.

Amendment **S-3301** was adopted by a voice vote.

Senator Hancock offered amendment **S-3302**, filed by him from the floor to page 4 of amendment **S-3289**, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-3302 be adopted?” (H.F. 648), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Dix	Houser	Smith
Bacon	Ernst	Johnson	Sorenson
Bartz	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Seymour	

Absent, 1:

Behn

Amendment S-3302 was adopted.

Senator McCoy offered amendment S-3304, filed by him from the floor to page 12 of amendment S-3289, and moved its adoption.

Amendment S-3304 was adopted by a voice vote.

Senator McCoy moved the adoption of amendment S-3289, as amended.

A record roll call was requested.

On the question “Shall amendment S-3289, as amended, be adopted?” (H.F. 648), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders

Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Dix	Houser	Smith
Bacon	Ernst	Johnson	Sorenson
Bartz	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Seymour	

Absent, 1:

Behn

Amendment S-3289, as amended, was adopted.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 648), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 23:

Anderson	Dix	Houser	Smith
Bacon	Ernst	Johnson	Sorenson
Bartz	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Seymour	

Absent, 1:

Behn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 648** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:51 p.m. until 9:00 a.m., Tuesday, May 3, 2011.

APPENDIX**CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Cynthia Carstens, Stewart Memorial Hospital, Lake City—For being named one of the 100 Great Iowa Nurses. Senator Beall (5/2/11).

Geri Derner, Ames—For celebrating her 50th birthday. Senator Quirnbach (5/2/11).

Friends of Veterans Memorial Park, Davenport—Upon the dedication of their park. Senator Hamerlinck (5/2/11).

Moriah Morgan, Wayne County—For being named a 2011 Borlaug-Ruan International Intern at the World Food Prize Global Youth Institute. Senator Chelgren (5/2/11).

REPORT OF COMMITTEE MEETING**APPROPRIATIONS**

Convened: Monday, May 2, 2011, 6:05 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Bartz, Black, Bolkom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour.

Members Absent: Boettger (excused).

Committee Business: Approved **SSB 1210**.

Adjourned: 6:10 p.m.

INTRODUCTION OF BILL

Senate File 533, by committee on Appropriations, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Read first time under Rule 28 and **placed on Appropriations calendar**.

STUDY BILL RECEIVED

SSB 1210 Appropriations

Relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

SUBCOMMITTEE ASSIGNMENT

SSB 1210

APPROPRIATIONS: Dvorsky, Chair; Danielson and Kettering

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 533 (SSB 1210), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Kettering, Bartz, Dix, Houser, Johnson, Kapucian, and Seymour. Absent, 1: Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on [Senate File 533](#), and they were attached to the committee report.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 28, 2011, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 236 – Relating to public safety including the Iowa law enforcement academy council, the state fire service and emergency response council, the state building code commissioner, fingerprint records, disposition records, the sex offender registry, and access to deferred judgment docket records.

Senate File 397 – Creating a criminal offense for impersonating a decorated military veteran and providing penalties.

Senate File 407 – Relating to counties and other regulated entities and the permitting and enforcement powers of the department of natural resources in relation to the inspection and construction of certain sewage disposal systems and authorizing penalties.

Senate File 482 – Relating to requirements of the department of human services involving individuals and families and including effective date provisions.

Senate File 521 – Relating to the administration of the property rehabilitation tax credit program by the department of cultural affairs and including retroactive applicability provisions.

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

NATURAL RESOURCES AND ENVIRONMENT

Gloria Johnson – Renewable Fuel Infrastructure Board

**GOVERNOR'S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar without recommendation for confirmation:

NATURAL RESOURCES AND ENVIRONMENT

Nancy Couser – Environmental Protection Commission

REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

Jim Kersten – State Judicial Nominating Commission

ROBERT M. HOGG

AMENDMENTS FILED

S-3300	H.F.	652	Mark Chelgren
S-3301	H.F.	648	Matt McCoy
S-3302	H.F.	648	Tom Hancock
S-3303	S.F.	531	Robert M. Hogg
S-3304	H.F.	648	Matt McCoy